

**From:** david shaner  
**To:** Microsoft ATR  
**Date:** 1/25/02 5:06pm  
**Subject:** Microsoft Settlement

To Whom It May Concern:

I am writing regarding the Microsoft Settlement.

Before getting some things off my chest I want to say that the Settlement penalizes Microsoft far more than either is necessary or deserved. If in the end you decided that Microsoft has too much say in contracts then your Settlement is more than enough to correct the situation and so just get the thing done. It is enough.

The truth is that the case was never about Microsoft having too much power or even a monopoly; this case was never about truth or justice or even law. This case was always about a few competitors (for the most part competitors who were largely unaffected by Microsoft's contracts with OEMs) abusing the power of the state to protect markets, their overinflated prices and generally prevent Microsoft from competing with them. The law and the American legal system were used as a tool to attack and attempt to destroy a competitor.

I cannot tell you how disgusted I was to witness what occurred in this case. What was evidenced is that law in this country is handmaiden to powerful politicians and popular culture. I hope to God I never get dragged into a court of law in this country because the truth is that if the judge doesn't like me the truth won't matter; the truth is that if there is political gain to be made by hanging me, the truth won't matter and I will be hung.

Nine states have not agreed to the settlement because Scott McNealy and Larry Ellison and their ilk don't want the states to settle. Nine states have not agreed to the settlement because a few self-serving politicians think they can gain more power by not settling. There is absolutely nothing in their decisionmaking about an adequate settlement or a settlement that best serves consumers.

Please salvage some respect for American Law and our justice system. Please show that antitrust law is at heart for consumers not for the few corporate creeps to hide behind when their ineptitude leaves their companies in danger of failing. Please just get the current settlement signed.

Sincerely,  
David J. Shaner